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2224-103P

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Li Rui PAN et al

Serial No.: 08/504,547

Group No.: 1204

Filed: July 20, 1995

Examiner: P. Killos

For: CATALYTIC SYSTEMS AND METHODS FOR CARBONYLATION

RESPONSE TO RESTRICTION REQUIREMENT

The Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

September 16, 1996
(Monday)

Sir:

In the Office Letter mailed August 15, 1996, the Examiner required restriction of the application to one of the following groups of claims:

Group I - claims 1-23

Group II - claims 24-30

The Examiner indicated that the inventions were distinct because they were separate entities and/or patentable in view of each other. This requirement is respectfully traversed.

Firstly, the Examiner has failed to comply with the requirements set forth in M.P.E.P. Chapter 800. As indicated in M.P.E.P. §803, the Examiner must establish that the groups of claims are independent or distinct from each other and that there is a serious burden in examining both groups of claims in a single application. Nonetheless, the Examiner has failed to establish that the inventions are independent or distinct. The Examiner's stated rationale that they are separate entities or that they are

patentable in view of each other, is not a sanctioned basis for establishing distinctness.

Moreover, the Examiner has failed to indicate that a serious burden would be encountered if search and examination of all claims were carried out. To the contrary, Applicants note that the subject matter of claims 1-23, directed to a catalyst for use in a carbonylation method and claims 24-30, directed to a method for carbonylation using the catalyst, are so intertwined and related that they should be considered and examined in a single application. Indeed, Applicants believe that a proper search for either one of the groups of claims would include a search of the other.

Thus, the inventions have not been shown to be independent or distinct nor has a serious burden in examination been alleged by the Examiner. Accordingly, the Examiner's restriction requirement is wholly improper and not in compliance with M.P.E.P. §800. Therefore, reconsideration and withdrawal of this requirement are respectfully requested.

Please charge any fees or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 02-2448.

Respectfully submitted,

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